

**REGULAR MEETING OF THE
OKLAHOMA WORKERS’ COMPENSATION COMMISSION**

Thursday, June 17, 2021
1:30 p.m.
Commission Chambers, 2nd Floor
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERChairman Russell

ROLL CALLChairman Russell

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION’S AUTHORITY.

1. Discussion and Possible Action on Minutes

The drafted minutes of the June 3, 2021, Special Meeting of the Commission will be considered for approval.

2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all, or none of the vouchers listed in this Consent Agenda; or continuing the matter.

3. **Request to Approve the Distribution of Surplus Monies to Members of the Oklahoma Health Care Association (#75175)**

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Oklahoma Health Care Association ("the Group") has requested to make a partial distribution in the amount of \$500,000. The distribution will be payable from the following five fiscal fund years ending on June 30: FY 20 (\$100,000), FY 19 (\$200,000), and FY 18 (\$200,000).

The Group had a financial surplus of more than \$2,264,532 for all years combined, as indicated in the audited financial statement for the period ending June 30, 2020. The audited balance sheet for the period ending June 30, 2020 indicated a financial surplus of \$274,622.

The Group has submitted the most recent audited financial statements and actuarial review of reserves, both as of June 30, 2020, as part of their request.

Possible Action:

Possible action may include, but is not limited to; taking no action, continuing the matter, approving some, all, or none of the distribution of the surplus monies to the members of the Oklahoma Health Care Association.

4. **Request to Approve the Distribution of Surplus Monies to Members of the Metropolitan Health Care Self Insured Group (#75220)**

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Metropolitan Health Care Self Insured Group ("the Group") has requested to make a partial distribution in the amount of \$366,643. The distribution will be payable from the following seven fiscal fund years ending on September 30: FY 13 (\$29,418), FY 14 (\$41,802), FY 15 (\$90,323), FY 16 (\$91,613), FY 17 (\$74,886), FY 18 (\$18,110), and FY 19 (\$20,491).

The Group has submitted the most recent audited financial statements and actuarial review of reserves, both as of September 30, 2020, as part of their request.

Possible Action:

Possible action may include, but is not limited to; taking no action, continuing the matter, approving some, all, or none of the distribution of the surplus monies to the members of the Metropolitan Health Care Self Insured Group.

5. **Discussion and Possible Action on Approval of Independent Medical Examiners and Case Managers for the Commission**

Title 85A O.S. § 112 requires the Workers' Compensation Commission to create, maintain, and review a list of licensed physicians who shall serve as independent medical examiners ("IME"). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured employees. Additionally, Section 113 requires the Commission to develop, maintain, and review a list of qualified case managers. The period of qualification for both physicians and case managers shall be two (2) years.

The Commission will consider approving the list of physicians and case managers presented at the meeting that have been vetted by the Medical Director and recommended to have the applications approved.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; or approving some, all, or none of the physicians and case managers on the proposed list.

6. **Discussion and Consideration of Approval of Annual Report**

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year the Commission shall prepare, make public, and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature. The report shall contain a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total work load data of the administrative law judges, including a detailed report of the work load and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report.

The Commission will discuss and consider approval of the 2020 Annual Report as presented at the meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving the Report as submitted or as amended during the meeting, or not approving the 2020 Annual Report.

7. **Discussion and Consideration of Commission's FY2022 Operating Budget**

The Commission will discuss and consider approval of its FY2022 operating budget, as proposed.

Possible Action

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as amended, or not approving the Commission’s FY2022 operating budget, as proposed.

8. **Commission Review of the FY2022 Operating Budget for the Oklahoma Multiple Injury Trust Fund (“MITF”) to either take no action or reject administration expenses, as provided in Title 85A O.S. § 31(S).**

Possible Action:

Possible action may include, but is not limited to: taking no action, rejecting the expenses, or continuing the matter.

9. **Discussion and Possible Action on Kerr Building Lease Addendum to Extend Lease Term**

House Bill 4139 (2020) directed OMES to transfer title of, and all leases for space within, the Robert S. Kerr State Office Building in Tulsa, Oklahoma to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges effective January 1, 2021, with the Board of Regents serving as the new lessor.

In order to extend the lease term until the new Tulsa office space is remodeled and ready for occupancy, a proposed Addendum has been provided to continue the current lease under the same terms until December 31, 2021.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the Addendum; approving the Addendum and authorizing the Chairman to sign on behalf of the Commission; or approving the Addendum with modifications as discussed, and authorizing the Chairman to sign the Addendum on behalf of the Commission once modifications are made.

10. **Discussion and Possible Action on Lease Agreement for New WCC Tulsa Office Space**

House Bill 4139 (2020) directed OMES to relocate state agencies currently housed within the Kerr Edmondson Building in Tulsa, Oklahoma, including the Workers’ Compensation Commission, to a property owned by the Commissioners of the Land Office (“CLO”). CLO and OMES have identified 201 W. 5th Street in Tulsa, Oklahoma as a relocation site for the WCC’s Tulsa Office. The Commission will discuss and consider action on a proposed Lease Agreement with CLO and OMES to occupy this office space.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the lease agreement; approving the lease agreement and authorizing the Chairman to sign on behalf of the Commission; or approving the lease agreement with modifications as discussed, and authorizing the Chairman to sign the agreement on behalf of the Commission once modifications are made.

11. **Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Commissioners of the Land Office for Fiscal Year 2022**

The Commission will discuss and consider the issuance of requisition to cover Year 1 of a 10-year lease between the Commission and the Commissioners of the Land Office for the Tulsa office space in the 201 Building for FY 2022. The annual total cost of the lease is determined by the individual, joint, and shared lease space occupied by the Oklahoma Workers' Compensation Court of Existing Claims and the Commission).

Possible Action:

Possible action may include: taking no action, continuing the matter, approving the issuance of a requisition against a lease agreement with the CLO for the Tulsa office space, not approving the requisition, or taking other action consistent with the Commission's authority.

12. **Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for Fiscal Year 2022**

The Commission will discuss and consider the issuance of requisition against the existing Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY 2022. The total annual cost of the lease is \$84,948.00. Of note, OMES confirmed the lease may be cancelled with a 30-day cancellation notice.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the requisition with OMES in the amount of \$84,948.00.

13. **Discussion and Possible Action Regarding the Draft Oklahoma Option Insured Guaranty Fund Monies Letter**

The Oklahoma Option Insured Guaranty Fund, 85A O.S.2014, §§ 201-213 (now repealed), was found unconstitutional in 2016, and assessments from insurers and carriers are no longer collected or paid into the fund. The Commission will discuss a draft letter seeking legislative assistance to address monies remaining in this fund.

Possible Action:

Possible action may include, but not limited to: taking no action; continuing the matter; approving the draft letter to be sent; approving the letter to be sent as modified in the meeting; or any other action within the authority of the Commission.

14. **Possible Executive Session Pursuant to 25 O.S. § 307(B)(1) and Possible Action.**

A. Motion and Vote to Enter into Executive Session

The Commission will discuss the employment, performance, and/or salary of each individual Commission employee pursuant to 25 O.S. § 307(B)(1).

B. Discussion in Executive Session

C. Motion and Vote to Reconvene in Open Session

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; adjusting the salaries of Commission employees as discussed in executive session.

15. **New Business**

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

16. **Announcements**

The Commission’s next regular appeals meeting is on Friday, June 18, 2021 at 9:00 a.m. The Commission’s next regular business meeting is on Thursday, July 15, 2021 at 1:30 p.m.

ADJOURNMENT.....Chairman Russell